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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,999	03/31/2004	James M. Wilson	2002-0428 (ATT.0220000)	5224

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BEDMINSTER, NJ 07921

EXAMINER

PULLIAS, JESSE SCOTT

ART UNIT	PAPER NUMBER
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2626

MAIL DATE	DELIVERY MODE
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04/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/812,999</p>	<p>Applicant(s) WILSON ET AL.</p>	
	<p>Examiner JESSE S. PULLIAS</p>	<p>Art Unit 2626</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 April 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Jesse S. Pullias/
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/
Primary Examiner, Art Unit 2626

Continuation of 11. does NOT place the application in condition for allowance because: The remarks filed 04/17/2009 have been fully considered but are not persuasive for the following reasons: The remarks on page 3-4 are correct in that paragraphs [0398]-[0406] teach that the object 3DFsm "represents" the RTN to the user. The remarks then assert that "In other words, De Brabander's approach is to use the RTN to generate a 3D representation of the RTN for display to the user", which is opposite to the approach in claim 1 which recites "generating a context free grammar representation of the call flow using said graphical representation". However, De Brabander using a 3D object on a screen to "represent" an RTN is not sufficient evidence to show that De Brabander never generates the RTN using the 3D model. To the contrary, De Brabander provides an IDE which allows editing RTN grammar models visually using a pointing device, see Abstract. According to De Brabander, fresh changes are made to the grammar using the pointing device and the 3D graphical user interface, see Abstract. The section De Brabander cited in the Remarks on page 4 ([0527]), simply shows that De Brabander uses 3D models to represent a RTN in the IDE and does not contain any evidence to support the assertion that De Brabander only uses the RTN to generate the 3D model "instead of the other way around". As was noted by the citation of paragraphs [0545-0547] of De Brabander on page 3 of the Final Rejection, creating and modifying the represented FSM is done "by means of a pointing device, for instance a mouse, preferably a wheel mouse (to have three dimensional freedom to move a sphere in the scene)." Therefore De Brabander explicitly teaches creating/editing an FSM (which is part of the RTN, see [0528]), by using a mouse to move a sphere in the 3D representation of the grammar. The Remarks on page 4 are not consistent with the evidence cited in the Final Rejection that pertains to creating and editing a grammar model visually, and simply offer that because De Brabander uses a 3D model to represent the grammar, the 3D model is generated from the grammar and not the other way around. However because De Brabander teaches creating or modifying an RTN using the 3D representation, De Brabander may be reasonably considered to teach "generating a context free grammar representation... using said graphical representation" as in claim 1, regardless of whether or not the 3D representation being edited/created was generated from the RTN. If De Brabander only taught generating the 3D representation using the RTN and not the other way around, it would be impossible to edit/create the grammar graphically. The assertions on page 4 of the Remarks are not convincing because they are neither supported by nor consistent with the relied upon sections of De Brabander. The "language inputs" of paragraph [0648] noted on page 4 of the Remarks, refers to a test corpus of sentences used to test the parsing capability of the grammar model after it is edited visually, see the Abstract. They are not used to "generate RTNs", which is done by operations such as dragging spheres using the GUI in the IDE, see paragraphs [0545-0547].